

Remarks/Arguments

Upon entry of the accompanying amendment, claims 6-20 will be pending in this application. Claims 6-15 are rejected in the Office Action dated April 18, 2008. Claims 6, 10, 14 and 15 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the present invention. Claims 16-20 are newly added herein to alternatively define the present invention.

Re: Claims 6-15

Claims 6-15 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2003/0208756 by Macrae, et al. (hereinafter, "Macrae"). Applicants respectfully traverse this rejection because Macrae fails to teach or suggest all elements of the claimed invention.

Independent claim 6, as amended herein, recites:

"A method for providing advertisements in an electronic program guide, comprising steps of:
receiving a plurality of advertisements;
storing said received advertisements;
enabling a user to access said electronic program guide;
determining whether a first type of advertisement exists in said stored advertisements, said first type of advertisement being displayed only in response to user navigation within said electronic program guide;
enabling display of said first type of advertisement in response to detecting user navigation within said electronic program guide if said first type of advertisement exists in said stored advertisements; and
enabling display of a second type of advertisement only if said first type of advertisement does not exist in said stored advertisements, said second type of advertisement being displayable independently of user navigation within said electronic program guide". (emphasis added)

As indicated above, independent claim 6 defines a method for providing advertisements in an electronic program guide. Some of the notable features of this claimed method include the fact that a specific type of advertisement, namely a "first type of advertisement" that is "displayed only in response to user navigation within said electronic program guide", is given priority for being displayed over another specific type of advertisement, namely a "second type of advertisement" that is

"displayable independently of user navigation within said electronic program guide" and "only if said first type of advertisement does not exist in said stored advertisements" (emphasis added). Independent claim 10 also includes these features. Macrae fails to teach or suggest, *inter alia*, these features of independent claims 6 and 15.

On pages 2 and 3 of the Office Action of April 18, 2008, the Examiner continues to allege that, in Macrae, a sold advertisement corresponds to the claimed "first type of advertisement" and that an unsold advertisement corresponds to the claimed "second type of advertisement." In response, Applicants note that Macrae nowhere teaches or suggests, *inter alia*, that a sold advertisement (i.e., the alleged "first type of advertisement") is "displayed only in response to user navigation within said electronic program guide" (emphasis added), as recited by independent claims 6 and 10. That is, while one embodiment of Macrae discloses that an advertisement may be a "sold" advertisement (see, for example, paragraph [0216]), and another embodiment thereof discloses that an advertisement may be provided in response to user navigation within the electronic program guide (see, for example, paragraph [0219]), there is absolutely no teaching or suggestion, *inter alia*, that a sold advertisement (i.e., the alleged "first type of advertisement") is "displayed only in response to user navigation within said electronic program guide" (emphasis added), as cited by independent claims 6 and 10. In fact, a fair reading of Macrae suggests that sold advertisements (i.e., the alleged "first type of advertisement") may be displayed in ways other than "only in response to user navigation within said electronic program guide" (emphasis added), as recited by independent claims 6 and 10 (see, for example, paragraphs [0216]-[0217] where it is suggested that sold ads may be static in nature, and thereby have nothing to do with "user navigation within said electronic program guide", as claimed). Accordingly, Macrae fails to teach or suggest, *inter alia*, that a sold advertisement (i.e., the alleged "first type of advertisement") is "displayed only in response to user navigation within said electronic program guide" (emphasis added), as recited by independent claims 6 and 10. For this reason alone, the instant rejection should be withdrawn.

Moreover, even assuming, *arguendo*, that Macrae discloses a type of advertisement that properly corresponds to the claimed "first type of advertisement"

(i.e., an advertisement that is “displayed only in response to user navigation within said electronic program guide” (emphasis added), as cited by independent claims 6 and 10), there is absolutely no teaching or suggestion that such type of advertisement is given priority for being displayed over another specific type of advertisement, namely a “second type of advertisement” that is “displayable independently of user navigation within said electronic program guide” and “only if said first type of advertisement does not exist in said stored advertisements” (emphasis added), as recited by independent claims 6 and 10. This constitutes yet another independent reason as to why the instant rejection should be withdrawn.

Accordingly, in view of the foregoing remarks/arguments, Applicants submit that Macrae fails to disclose all elements of independent claims 6 and 10, and their respective dependent claims, as required for a proper rejection under 35 U.S.C. §102, and withdrawal of the rejection is respectfully requested.

Re: Newly Added Claims 16-20

Claims 16-20 are newly added herein to alternatively define the present invention, and are deemed allowable for at least the same reasons stated above in conjunction with claims 6-15.

Conclusion

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and/or remarks/arguments, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants’ attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
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